IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
0D0ated: Nainital: the 27th day of October 2005
Bail Application No. 967 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Arvind Rana S/o Sri Salak Ram
R/o Village Tharu Bhagauri
P.S. Sitargunj
District Udham Singh Nagar …Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case Crime No. 678 of 2005
Under Section 376 of I.P.C.
P.S. Sitarganj
District Udham Singh Nagar

By the court

Hon'ble B.C.Kandpal, J.

The applicant has applied for bail in case crime No. 678 of 2005 under Section 376 I.P.C., P.S. Sitargunj, District Udham Singh Nagar

Heard Sri J.S. Virk, learned counsel for the applicant, learned A.G.A. and perused the record.

I have perused the statement of the prosecutrix recorded under Section 164 Cr.P.C. It is worthy to mention here that the incident is alleged to have been taken place on 21.08.2005 while the statement of the prosecutrix recorded under Section 164 Cr.P.C. on 05.10.2005. The prosecution has not offered any explanation with regard to the delay in getting the statement of the prosecutrix under Section 164 Cr.P. C.

I have also perused the medical examination report of the prosecutrix and on the basis of the aforesaid document, I think, it is a fit case for bail at this stage.

Moreover, the applicant is in jail since 23.08.2005 and learned A.G.A. could not show any criminal history of the applicant before me.

Let the applicant Arvind Rana be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

27.10.2005
ASWAL